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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,783	11/17/2000	John M. Baird	081829.000037	9485

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05/21/2004

EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,783

Applicant(s)

BAIRD ET AL.

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 29 and 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-28 and 30-33, drawn to a system for capturing, encoding, and transmitting video from a camera to a display, classified in class 348, subclass 211.3.
- II. Claims 34-37, drawn to a method for connecting a live continuous video stream with header files and time stamps originating from a network, classified in class 709, subclass 231.
- III. Claim 29, drawn to a system for receiving prioritized video, classified in class 348, subclass 154.
- IV. Claim 38, drawn to a method for establishing a multicast connection, classified in class 709, subclass 200.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination will function properly and sufficiently without selecting a proper video display based on the priority of the video. The subcombination has separate utility such as displaying video when alarms are set off.

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Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as streaming any video, not just from a camera, across a network. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as connecting multiple computers and multicasting a variety of information, not just video data. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Groups II and IV is not required for Group I, restriction for examination purposes as indicated is proper.

During a telephone conversation with Robert Curfiss on 05 May 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-28 and 30-33. Affirmation of this election must be made by applicant in replying to this Office action. Claims 29 and 34-38 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 20-24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites the limitation "the router" in Claim 1. There is insufficient antecedent basis for this limitation in the claim. There is no claimed "router" in Claim 1. Claims 21-24 are dependent upon Claim 20.

The following art rejections are based upon the Examiner's best understanding of the claimed limitations in light of the above 35 USC 112 2nd paragraph rejections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1, 5-16, 19-21, 24-28, and 30-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tanaka et al.

Regarding Claim 1, Tanaka shows a system for capturing, encoding and transmitting continuous video from a camera to a display monitor via a network comprising a video transmission module for receiving a video signal from the camera, with the ability to produce high-resolution and low resolution video signals (fig. 1, col. 3 lines 25-67, col. 8 lines 7-52, fig. 14A and 14B). Although Tanaka does not specifically show an “encoder,” Tanaka shows that the transmission module uses MPEG compression, which inherently encodes the video (col. 3 lines 45-55). Furthermore, Tanaka shows the ability to select the compression and encoding techniques to display either high-resolution or low-resolution video (col. 8 lines 7-52, fig. 14A and 14B). Tanaka also shows a switching network for receiving both high-resolution signals and low-resolution signals (fig. 1 item 10) and a display monitor in communication with the switching network for selectively displaying one of the high-resolution signals and low-resolution signals (fig. 1 item 20).

Regarding Claim 5, Tanaka shows a selector for selecting between the high resolution and low resolution signals is based on the dimensional size of the display (col. 8 lines 8-50). Tanaka shows that when a user switches from “glance mode” (mode with multiple small video windows) to “watching mode” (one single large video window) that the resolution is increased.

Regarding Claim 6, Tanaka shows the ability to manually select high resolution (fig. 14A and 14B).

Regarding Claim 7, Tanaka shows that the smaller windows are automatically displayed in a lower resolution and the larger video window is displayed in a higher resolution window (col. 8 lines 8-50).

Regarding Claim 8, Tanaka shows the ability to control the priority of an event captured by the camera (an event being anything captured by the camera) and selecting between high-resolution and low-resolution based on the priority of the event (fig. 14A and 14B, col. 8 lines 18-52).

Regarding Claim 9, Tanaka shows a plurality of cameras and an encoder (the video transmission module inherently contain an encoder with the MPEG compression) associated with each camera, the high resolution and low resolution signals unique to each camera being transmitted to the switching network, and wherein the display monitor is adapted for displaying any combination of camera signals (col. 5 lines 30-61, col. 8 lines 8-50, fig. 1, fig. 7).

Regarding Claim 10, Tanaka shows that if more than one camera signal is being displayed then low-resolution is used. If only one camera signal is being displayed then high-resolution is used (col. 8 lines 8-50).

Regarding Claim 11, Tanaka shows a plurality of display monitor capable of displaying a variety of signals (fig. 1 items 20-1 through 20-m).

Regarding Claim 12, Tanaka shows a plurality of display or cameras and encoders (the video transmission module inherently contain an encoder with the MPEG compression) (see fig. 1), the high-resolution and low resolution signals unique to each camera being transmitted to the switching network, and a management system associated

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with each displaying allowing each display to display any combination of camera signals independently of the other monitors (fig. 1 item 18 'video reception,' col. 3 lines 45-67, col. 4 lines 25-61).

Regarding Claim 13, Tanaka shows a mapping feature (col. 5 lines 30-60).

Regarding Claim 14, Tanaka shows activating a camera from the mapping feature (col. 6 lines 5-17).

Regarding Claim 15, Tanaka shows that the communications link between the switching network and the monitor is a network (fig. 1).

Regarding Claim 16, Tanaka shows a wired network (col. 1 lines 19-21).

Regarding Claim 19, Tanaka shows using a LAN (col. 1 lines 19-21).

Regarding Claim 20, Tanaka shows that the communications link between the switching network and the monitor is a network (fig. 1).

Regarding Claim 21, Tanaka shows a wired network (col. 1 lines 19-21).

Regarding Claim 24, Tanaka shows using a LAN (col. 1 lines 19-21).

Regarding Claim 25, Tanaka shows that the video is compressed before it enters the switching network (col. 3 lines 45-59).

Regarding Claim 26, Tanaka shows a system comprising an encoder (the video transmission module inherently contain an encoder with the MPEG compression) adapted to receive video and encode high resolution and low-resolution signals representing video and a display monitor to selectively display the high-resolution and low-resolution signals (fig. 1, col. 3 lines 25-67, col. 8 lines 7-52, fig. 14A and 14B).

Regarding Claim 27, Tanaka shows a system comprising a camera adapted to output continuous video, an encoder (the video transmission module inherently contain an encoder with the MPEG compression) adapted to receive video and encode high resolution and low-resolution signals representing video, and a display monitor to selectively display the high-resolution and low-resolution signals (fig. 1, col. 3 lines 25-67, col. 8 lines 7-52, fig. 14A and 14B).

Regarding Claim 28, Tanaka shows a system comprising a camera adapted to output continuous video, an encoder (the video transmission module inherently contain an encoder with the MPEG compression) adapted to receive video and encode high resolution and low-resolution signals representing video, and a display monitor to selectively display the high-resolution and low-resolution signals based on the dimensional size of the display (fig. 1, col. 3 lines 25-67, col. 8 lines 7-52, fig. 14A and 14B).

Regarding Claim 30, Tanaka shows a system comprising a plurality of cameras adapted to output continuous video, an encoder (the video transmission module inherently contain an encoder with the MPEG compression) associated with each of the cameras adapted to receive video and encode high resolution and low-resolution signals representing video, and a display monitor to selectively display any combination of the encoded signals (fig. 1, col. 3 lines 25-67, col. 8 lines 7-52, fig. 14A and 14B). Tanaka shows the ability to show one camera signal to all of the camera signals and any combination in between.

Regarding Claim 31, Tanaka shows a system comprising a plurality of cameras adapted to output continuous video, an encoder (the video transmission module inherently contain an encoder with the MPEG compression) associated with each of the cameras adapted to receive video and encode high resolution and low-resolution signals representing video, and a display monitor to selectively display the encoded signals based on the number of signals simultaneously displayed (fig. 1, col. 3 lines 25-67, col. 8 lines 7-52, fig. 14A and 14B). Tanaka shows that the resolution changes when more than one video signals is displayed.

Regarding Claim 32, Tanaka shows a system comprising a plurality of cameras adapted to output continuous video, an encoder (the video transmission module inherently contain an encoder with the MPEG compression) associated with each of the cameras adapted to receive video and encode high resolution and low-resolution signals representing video, and a plurality of display monitors to selectively and independently display any combination of the signals (fig. 1, col. 3 lines 25-67, col. 4 lines 25-61, col. 8 lines 7-52, fig. 14A and 14B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 2-5, 17, 18, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al.

Regarding Claim 2, Although Tanaka shows the use of a switching network, Tanaka fails to show the use of a hub. Official Notice is given that it is well known and expected in the art to use a hub in a switching network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka to use a hub so that the system would use components that are widely available and compatible with other networks.

Regarding Claim 3, Although Tanaka shows the use of a switching network, Tanaka fails to show the use of a switched hub. Official Notice is given that it is well known and expected in the art to use a switched hub in a switching network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka to use a switched hub so that the system would use components that are widely available and compatible with other networks.

Regarding Claim 4, Although Tanaka shows the use of a switching network, Tanaka fails to show the use of a router. Official Notice is given that it is well known and expected in the art to use a router in a switching network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka to use a router so that the system would use components that are widely available and compatible with other networks.

Regarding Claim 17 and 22, Tanaka fails to show the use of a wireless network. Official Notice is given that it is well known and expected in the art to use a wireless

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network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka to use a wireless network to alleviate the need for physical wires and increase the mobility and flexibility of the camera systems.

Regarding Claim 18 and 23, Tanaka fails to show the use of a WAN. Official Notice is given that it is well known and expected in the art to use a WAN for remote connections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka to use a WAN so that users outside of the immediate local system could monitor video camera signals.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seeley et al U.S. Patent No. 6,091,771 discloses a workstation for video security system.

Kogane et al U.S. Patent Application Publication No. 2001/0056579 discloses a network surveillance video camera system.

Urisaka et al U.S. Patent No. 6,529,234 discloses a camera control system, camera server, camera client, control method, and storage medium.

Kato et al U.S. Patent No. 6,697,105 discloses a camera control system and method.

Steinberg et al U.S. Patent No. 6,628,325 discloses a camera network communication device.

Wilson et al U.S. Patent No. 6,041,361 discloses a digital video recorder providing separate pipelining for odd and even fields from a single camera.

Odryna et al. U.S. Patent No. 6,333,750 discloses a multi-sourced video distribution hub.

Brusewitz et al U.S. Patent No. 6,384,862 discloses an imaging system and method for interactive control of image quality.

Hrusecky et al U.S. Patent No. 6,317,164 discloses a system for creating multiple scaled videos from encoded video sources.

Strandowitz et al U.S. Patent Application Publication No. 2003/0112335 discloses a self-contained wireless camera device, wireless camera system and method.

Naidoo et al U.S. Patent Application Publication No. 2002/0167590 discloses a security system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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